

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

CHRISTINE TURNER,
Special Administrator of
the Estate of Linda Warner,
Deceased

PLAINTIFF

v.

No. 4:18-cv-468-DPM

GARRY STEWART, M.D.

DEFENDANT

ORDER

1. Pretrial and Trial Architecture. On the first day of trial, 4 October 2021, we'll have a final pretrial at noon in courtroom 1A. We'll start with the venire at 1:00 p.m. We will pick an eight-person jury. Counsel should be prepared to open Monday afternoon. Each side gets twenty minutes. We'll start the proof at 8:30 Tuesday morning. Counsel should also be prepared to present a mini-opening of three to five minutes each morning. The mini-opening should list the day's witnesses and outline their expected testimony. Please avoid argument in these roadmap presentations.

2. Jury Instructions. The Court is attaching its working drafts of (1) the *voir dire*, (2) the preliminary instructions, (3) the final instructions, and (4) the verdict form. Note the Court's juror-questions drill, which we'll discuss at the pretrial. Please file any objection to, or suggestion about, the *voir dire* and preliminary instructions by noon on

Friday, 1 October 2021. There is no need to comment at this point on the draft final instructions or verdict form. We'll work on both during the trial.

3. Witnesses and Exhibits. As previously ordered, by the close of business today, 29 September 2021, the parties must submit their final lists of witnesses and exhibits, the original pre-marked exhibits, and the Court's courtesy copy, in three-ring binders to Little Rock chambers. Please also include an electronic copy of each item. If the parties plan to use electronic exhibits, they should have paper copies available as a fall-back.

4. *Voir Dire*. The Court will do most of the questioning, with follow-up by each side—ten minutes at most. Please focus your questioning. *Voir dire* is not a time to explain the law or the burden of proof, to explain what the case is about, to seek commitments, or to pump the potential jurors full of fairness. Instead, please ask lean questions about potential jurors' experiences and views to ferret out bias. If the parties would prefer to have the Court explore certain subjects, please submit a list of those subjects for consideration by noon on 1 October 2021.

5. Objections. Avoid speaking objections during the trial. A word or two will do. If the Court needs to hear more, we'll have a bench conference.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

29 September 2021